

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

ANTHONY D. PARKER,)	
)	
Petitioner,)	
v.)	Civil Action
)	No. 11-3142-CV-S-RED-H
JUAN CASTILLO, Warden, United)	
States Medical Center for Federal Prisoners,)	
)	
Respondent.)	

ORDER AND JUDGMENT

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the petition herein for a writ of habeas corpus was referred to the United States Magistrate for preliminary review under the provisions of 28 U.S.C. § 636(b).

The United States Magistrate has completed his preliminary review of the petition herein for a writ of habeas corpus and has submitted to the undersigned a report and recommendation that the petition for a writ of habeas corpus be dismissed without prejudice.

Petitioner has filed exceptions to the report and recommendation of the Magistrate in which he continues to assert that this Court should address his claim that he is entitled to a *nunc pro tunc*, or retroactive, designation, and that he should receive credit towards his federal sentence for time spent in state custody.

The Court has carefully reviewed petitioner's exceptions in which he continues to assert that it would be a denial of due process not to re-contact the sentencing court and provide it with accurate information. Having fully reviewed the record de novo, the Court agrees with the Magistrate that

the petition should be dismissed without prejudice. It is clear that under the broad discretion granted to the Bureau of Prisons to designate the place of imprisonment, there has been no abuse in this case.

Based on the file and records in this case, it is concluded that the findings of fact, conclusions of law, and proposed actions of the Magistrate are correct and should be approved. It is therefore

ORDERED that petitioner's exceptions filed herein be, and they are hereby, considered and overruled. It is further

ORDERED that petitioner be, and he is hereby, denied leave to proceed in forma pauperis. It is further

ADJUDGED that the petition herein for a writ of habeas corpus be, and it is hereby, dismissed without prejudice.

/s/ Richard E. Dorr

RICHARD E. DORR
United States District Judge

Date: August 29, 2012